S.B. Criminal Misc.II Bail Application No.2141/2007

Date : 18.07.2007

HON'BLE MR.SATYA PRAKASH PATHAK, J.

Mr. M.K. Garg for the applicant.
Mr. O.P. Rathi, Public Prosecutor.
Mr. T.C. Sharma for complainant.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The submission of learned counsel for the applicant is that while rejecting the first bail application, a specific direction was given for recording the statements of Dalpat Singh and Mangal Singh in priority with liberty to the petitioner to move regular bail application before the learned trial court. Learned counsel submits that not only the statements of above two witnesses but the statement of the doctor has also been recorded. He submits that the witnesses have stated about enmity of the deceased with the accused applicant. He also submits that initially when the matter was informed to the police, it was intimated that an accident took place but later on incident of the accident has been given shape of

intentional hitting. He has invited my attention towards the statements of witnesses including Dr. Rajmal and one Dalpat Singh.

On the other hand, learned Public Prosecutor assisted by learned counsel for the complaiant opposed the bail application and submitted that the deceased was done to death by hitting him with the jeep and thereafter he was lifted and his body was laid on boundary wall that shows the involvement of the accused in the case, therefore, the accused applicant is not required to be granted bail.

I have considered the submissions made before me.

I do not want to express any opinion on the merit of the case but it is suffice to say that in the facts and circumstances of the present case taking into consideration the statements of doctor and Dalpat Singh, I deem it just and proper to enlarge the accused applicant on bail.

Accordingly, the bail application filed under Sec. 439

Cr.P.C. is allowed and it is directed that applicant Chhel Singh s/o Dharam Singh shall be released on bail in FIR No.162/2006 P.S. Modra, District Jalore, provided he executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial. However, it is observed that whatever has been observed hereinabove shall have no bearing on the merit of the case when the case is decided by the learned trial court.

(SATYA PRAKASH PATHAK), J.

vij